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**FILED**

Board of Vocational Nursing  
and Psychiatric Technicians

7  
8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2008-717

12 **JENNIFER MALDONADO**  
13 **140 Linden Avenue, Apt. 957**  
**Long Beach, CA 90802**  
14 **Vocational Nurse License No. VN 229815**

**A C C U S A T I O N**

Respondent.

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16  
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in  
20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric  
21 Technicians, Department of Consumer Affairs.

22 2. On or about September 21, 2007, the Board of Vocational Nursing and Psychiatric  
23 Technicians issued Vocational Nurse License Number VN 229815 to Jennifer Maldonado  
24 (Respondent). Respondent's vocational nurse license was in full force and effect at all times  
25 relevant to the charges brought herein and will expire on December 31, 2012.

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**JURISDICTION**

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 2878 states:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct . . . .

"(e) Making or giving any false statement or information in connection with the application for issuance of a license.

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

. . . .

"(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.

. . . .

6. Section 2878.5 states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . . .

"(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a

1 manner dangerous or injurious to himself or herself, any other person, or the public, or to the  
2 extent that the use impairs his or her ability to conduct with safety to the public the practice  
3 authorized by his or her license . . . .

4 7. Section 2878.6 states:

5 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
6 charge substantially related to the qualifications, functions and duties of a licensed vocational  
7 nurse is deemed to be a conviction within the meaning of this article . . . .

8 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
9 revoke a license on the ground that the licensee has been convicted of a crime substantially  
10 related to the qualifications, functions, or duties of the business or profession for which the  
11 license was issued.

12 9. California Code of Regulations, title 16, section 2504.1 states:

13 "If the board or its designee asks a licensee to provide criminal history information, a  
14 licensee shall respond to that request within 30 days. The licensee shall make available all  
15 documents and other records requested and shall respond with accurate information."

16 **COST RECOVERY**

17 10. Section 125.3 states, in pertinent part, that the Board may request the administrative  
18 law judge to direct a licensee found to have committed a violation or violations of the licensing  
19 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
20 case.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Criminal Conviction)**

23 11. Respondent is subject to disciplinary action under section 2878, subdivision (f), in  
24 conjunction with section 490 in that Respondent has been convicted of a crime substantially  
25 related to the qualifications, functions, and duties of a licensed vocational nurse. The  
26 circumstances are as follows:

27 a. On or about January 27, 2009, after pleading nolo contendere, Respondent was  
28 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [drive with a

greater than 0.08% blood alcohol] in the criminal proceeding entitled *The People of the State of California v. Jennifer Maldonado* (Super. Ct. Los Angeles County, 2008, No. 8BF05148). The Court placed Respondent on 36 months probation, and ordered her to attend a 3-month licensed first-offender alcohol education and counseling program.

b. The circumstances underlying the conviction are that on or about September 7, 2008, Respondent was stopped by the California Highway Patrol for traveling at a speed of approximately 125 mph on the 605 freeway. While questioning Respondent, the arresting officer observed that Respondent's speech was slurred, her eyes were bloodshot and her vehicle smelled strongly of alcohol. Respondent was then asked to perform a series of field sobriety tests, which she failed. She also provided two breath samples to an alcohol screening device which registered Respondent's blood alcohol content at .131% and .119%, respectively.

c. On or about June 21, 2010, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [drive with a greater than 0.08% blood alcohol] in the criminal proceeding entitled *The People of the State of California v. Jennifer Maldonado* (Super. Ct. Los Angeles County, 2010, No. 0LT00238). The Court placed Respondent on 36 months probation, and ordered her to attend an 18-month licensed second-offender alcohol education and counseling program.

d. The circumstances underlying the conviction are that on or about January 21, 2010, Respondent was stopped by the California Highway Patrol after the arresting officer observed her weaving on 405 freeway and nearly colliding with both a tractor trailer and the center divide as she transitioned onto the 710 freeway. After approaching Respondent's vehicle, the arresting officer immediately observed that Respondent had watery, bloodshot eyes and that she smelled strongly of alcohol. Respondent was then asked to perform a series of field sobriety tests, which she failed. She also provided two breath samples to an alcohol screening device which registered Respondent's blood alcohol content at .153% and .163%, respectively.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(False Statement/Dishonest Act)**

3 12. Respondent is subject to disciplinary action under sections 2878, subdivision (e) and  
4 2878, subdivision (j), in that she made a false statement in connection with her application for  
5 issuance of a vocational nursing license. The circumstances are as follows:

6 a. In her application for license renewal, dated December 30, 2010, Respondent was  
7 asked whether, since she last applied for licensure, she had "been convicted of any crime in this  
8 or any other state, the United States, or other country." To question, Respondent answered, "No."  
9 Respondent then signed the applicant affidavit as follows, "I swear under penalty of perjury under  
10 the laws of the State of California that the information I provided on this form is true and  
11 correct."

12 b. Complainant refers to, and by this reference incorporates, the allegations set forth  
13 above in paragraph 11, subdivisions a and b, inclusive, as though set forth fully herein.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Dangerous Use of Alcohol)**

16 13. Respondent is subject to disciplinary action under section 2878.5, subdivision (b), in  
17 that Respondent administered to herself alcoholic beverages to the extent, or in a manner, as to be  
18 dangerous or injurious to herself, other persons, or to the public. Complainant refers to and by  
19 this reference incorporates the allegations set forth above in paragraph 11, subdivisions a through  
20 d, inclusive, as though set forth fully.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct -- Failure to Cooperate with Board Inquiry)**

23 14. Respondent is subject to disciplinary action under California Code of Regulations,  
24 title 16, section 2504.1, in conjunction with Business and Professions Code section 2878,  
25 subdivision (a), in that Respondent has failed has failed to cooperate with the Board's  
26 investigation of her criminal history. The circumstances are as follows:

27 a. On or about April 23, 2009, in correspondence sent via certified mail to Respondent's  
28 address of record, the Board asked Respondent to submit the following items within 30 days: (i)

1 a detailed explanation of the events which led to her first DUI conviction; (ii) proof that she had  
2 paid the fines/fees associated with that conviction; and (iii) proof that she had completed the 3-  
3 month DUI first offender program. Respondent failed to respond to this request.

4 b. On or about September 8, 2009, in correspondence sent via certified mail to  
5 Respondent's address of record, the Board again asked Respondent to provide the following items  
6 within 30 days: (i) a detailed explanation of the events which led to her first DUI conviction; (ii)  
7 proof that she had paid the fines/fees associated with that conviction; and (iii) proof that she had  
8 completed the 3-month DUI first offender program ordered by the Court. On or about November  
9 30, 2009, the Board received correspondence from Respondent wherein she provided a  
10 description of the events leading to her first DUI conviction and a receipt evidencing a \$40.00  
11 payment toward the \$1681.00 in fines/fees that Respondent owed to the Court.

12 c. On or about March 3, 2010, in correspondence sent via certified mail to Respondent's  
13 address of record, the Board again asked Respondent to submit within 30 days evidence that she  
14 had completed the 3-month DUI first offender program ordered by the Court and to provide  
15 documentation showing that she was continuing to make payments to the Court for the fines/fees  
16 she still owed. Respondent failed to respond to this request.

17 d. On or about June 25, 2010, in correspondence sent via certified mail to Respondent's  
18 address of record, the Board again asked Respondent to submit within 30 days evidence that she  
19 had completed the 3-month DUI first offender program ordered by the Court and to provide  
20 documentation showing that she was continuing to make payments to the Court for the fines/fees  
21 she still owed. Respondent failed to respond to this request.

22 e. On or about September 14, 2010, in correspondence sent via certified mail to  
23 Respondent's address of record, the Board again asked Respondent to submit within 30 days  
24 evidence that she had completed the 3-month DUI first offender program ordered by the Court  
25 and to provide documentation showing that she was continuing to make payments to the Court for  
26 the fines/fees she still owed. The correspondence also explained that the board had learned of  
27 Respondent's second DUI conviction. Accordingly, the correspondence also asked Respondent  
28 to submit the following documents within 30 days: (i) a signed description of the events leading

1 to Respondent's second DUI conviction; (ii) documentation indicating that she was in compliance  
2 with all court orders related to the second DUI conviction; and (iii) any additional rehabilitation  
3 documentation she may have such as character reference letters, evidence of attendance at  
4 Alcoholics Anonymous meeting, and job performance evaluations. To date, Respondent has  
5 failed to respond to the Board's correspondence of September 14, 2010.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
8 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
9 issue a decision:

- 10 1. Revoking or suspending Vocational Nurse License Number VN 229815, issued to  
11 Jennifer Maldonado;  
12 2. Ordering Jennifer Maldonado to pay the Board of Vocational Nursing and Psychiatric  
13 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to  
14 Business and Professions Code section 125.3;  
15 3. Taking such other and further action as deemed necessary and proper.  
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18 DATED: May 13, 2011.



19 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
20 Executive Officer  
21 Board of Vocational Nursing and Psychiatric Technicians  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

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